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| 10/726,373 | 12/02/2003 | John J. Burlingame | J-SLA.1435 | 7132 |
| 55428 | 7590 | 07/13/2007 | | |
| ROBERT VARITZ 4915 SE 33RD PLACE PORTLAND, OR 97202 | | | EXAMINER LEE, JOHN W | |
| | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,373

Applicant(s)

BURLINGAME, JOHN J.

Examiner

John Wahnkyo Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20031202</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

- I. Species of fig. 1 and fig. 2
- II. Species of fig. 3 and fig. 4
- III. Species of fig. 5 and fig. 6

The species are independent or distinct because the species uses different methods to implement the applicant's invention.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after

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the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

2. Applicant's election without traverse of species III in the reply filed on 25 June 2007 is acknowledged. The examiner agrees with the applicant's argument that the species has to correspond to Figs. 3 and 4 rather than Figs. 2 and 3. The correction is reflected above. However, species III elected by the applicant does not read on all the claims. Species III only reads on claims 1 and 4. For that reason, the examiner will only consider claims 1 and 4 for the following office action.

Information Disclosure Statement

3. An initialed and dated copies of Applicant's IDS form 1449-Paper No. 20031202, is attached to the instant Office action.

Drawings

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figs 1-6 have a hand-writing characters. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 4,656,664) in view of Rangarajan (US 5,822,454), and further in view of Thompson et al. (US 5,600,347).

Regarding claim 1, Anderson discloses a method for the non-integer scaling of bi-tonal image files (abstract; col. 3, lines 48-68, "Fh", "Fv") comprising: a bi-tonal image file for non-integer scaling by a selected scaling factor ((abstract; col. 3, lines 48-68, "Fh", "Fv"), applying scaling processing in a manner which includes a pair of line-by-line (abstract; col. 3, lines 48-68), employing the selected scaling factor (abstract; col. 3, lines 48-68, "Fh", "Fv"), and orthogonal rotation of the image file (abstract; col. 3, lines 63-68). However, Anderson does not disclose rest of the claim limitation. Instead of Anderson, Rangarajan discloses selecting a bi-tonal image file (Fig. 1-123; col. 6, lines 4), and Thompson discloses an image expansion (abstract).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Rangarajan's invention and Thompson's invention

in Anderson's invention to provide an improved method as suggested by Anderson (col.1, lines 7-9).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 4,656,664) in view of Rangarajan (US 5,822,454), and further in view of Thompson et al. (US 5,600,347), Tsukuba et al. (US 2003/0197882), and Prakash (US 6,985,642).

Regarding claim 4, Anderson discloses a method for non-integer scaling of a selected-bi-tonal image file by a selected scaling factor (abstract) comprising: non-integer scaling by a selected scaling factor, producing a non-rotated output image, employing a pair of one-dimensional line-by-line image file lateral utilizing the selected scaling factor, interleaved with a pair of orthogonal, counter rotations of the image file (abstract; col. 3, lines 48-68, "Fh", "Fv"). Instead of Anderson, Tsukuba discloses a selectability offered with respect to whether the processed output bi-tonal image is to be rotated or non-rotated relative to its starting orientation and offering a choice of whether or not a final scaled bi-tonal output image is to be rotated or not with respect to its initial rotational orientation (abstract; paragraphs [0019] and [0023], "rotation-angle selecting unit"). Prakash discloses producing a rotated output image, then applying to the selected image file a pair of orthogonally related, one-dimensional, line-by-line image employing the selected scaling factor, and intermediate these two image expansion steps performing a single orthogonal rotation of the image file (abstract). Rangarajan

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discloses selecting a bi-tonal image file (Fig. 1-123; col. 6, lines 4), and Thompson discloses an image expansion (abstract).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Rangarajan's invention, Thompson's invention, Tsukuba's invention, and Prakash's invention in Anderson's invention to provide an improved method as suggested by Anderson (col.1, lines 7-9).

Conclusion

8. Claims 2 and 3 are not considered, for the species III elected by the applicant does not read on those claims; claims 1 and 4 are rejected.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Wahnkyo Lee whose telephone number is (571) 272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JINGGE WU
SUPERVISORY PATENT EXAMINER

John W. Lee
(AU 2624)